

Appl. No. 09/934,549
Amdt. dated 03/25/2009
Response to Office Action of 11/26/2008

Attorney Docket No.: TS01-285
N1085-90132

REMARKS/ARGUMENTS

Claims 1-11 were previously pending in this application with claims 4-8 having previously been withdrawn from consideration. Each of pending claims 1-3 and 9-11 was rejected in the November 26, 2008 final Office action.

5 Applicant takes this opportunity to acknowledge with appreciation the Examiner's participation in a telephonic Examiner interview with Applicant's undersigned representative, Mark J. Marcelli, that took place on March 4, 2009 and the Interview Summary of which was mailed by the USPTO on March 9, 2009.

10 This paper is filed further to Applicant's previously filed response of January 23, 2009. Applicant notes that the claim amendments filed January 23, 2009 were, in fact, entered by the Examiner and, as such, the amendments herein represent amendments to the pending claim set created by the amendments of January 23, 2009.

15 Claim 1 is amended in this paper. Applicant respectfully requests re-examination and reconsideration of this application and submits that each of pending claims 1-3 and 9-11 is in allowable form.

I. Claim Rejections – 35 U.S.C. § 112

Applicant thanks the Examiner for indicating, in the Advisory action, that the previously stated rejection of claim 2 under 35 U.S.C. § 112, was overcome by the amendments filed on January 23, 2009.

20 II. Claim Rejections – 35 U.S.C. § 103

25 In paragraph 6 of the subject Office action, claims 1, 3, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 6,524,057 to **Park** in view of USP 6,454,512 to **Weiss**, USP 5,749,589 to **Hopkins et al.**, Germany 3917874 to **Seibert**, USP 4,293,075 to **Veralrud**, USP 6,421,113 to **Armentrout**, and USP 5,873,585 to **Engelking**. Moreover, in paragraph 7 of the subject Office action,

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claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Park**, as modified, and further in view of USP 4,999,671 to **lizuka**. Applicant respectfully submits that each of these claim rejections is overcome for reasons set forth below.

5 Applicant again thanks the Examiner for the commentary provided in the **Response to Arguments** section, in particular paragraphs 8-16, of the final Office action, as well as for the aforementioned Examiner interview. The following remarks address the stated rejections and the Examiner's comments in the *Remarks to Arguments* section, and are consistent with the discussions that took place in the
10 Examiner interview.

Amended independent claim 1 recites the following distinguishing features that were discussed in the aforementioned interview:

- 15 (ii) a platform being substantially planar and having a bottom surface and a top surface opposite said bottom surface, said wheels being directly attached to and disposed underneath said bottom surface of said platform;
- (iii) shock absorbers, being mounted over and directly joined to said surface of said platform and having vertically oriented axes;
- 20 (b) an upper portion disposed over said shock absorbers, said shock absorbers forming an interface between said platform and said upper portion,

The Examiner has conceded that the **Park** reference is deficient of many of the aspects of the claimed invention recited in claim 1. For example, on page 4, lines 15-
25 16, the Examiner concedes that **Park** fails to disclose shock absorbers.

The Office action relies upon the **Weiss** reference and the **Hopkins** reference and provides "Weiss teaches the idea of having shock absorbers 32 being mounted on the second surface of a platform in order to prevent damage to the wafers due to jolting of the cart during transporting of the wafers", page 5, lines 1-3. The Office action further

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provides "Hopkins et al. further teaches the idea of providing shock absorbers 76 being disposed between a platform 35 and an upper portion 21, such as shown FIGS. 4-5 ...", page 5, lines 3-5.

As discussed, Weiss provides shock absorbers 32 that are disposed above a bar, but Weiss's shock absorbers 32 do not form an interface between anything, much less between a platform and an upper portion of a cart. The upper portion of the cart is coupled *below* the shock absorbers 32 as shown in FIGS. 5, 6 and 7 of Weiss and nothing appears to be disposed above shock absorbers 32 such as would enable shock absorbers 32 to serve as an interface between a subjacent and superjacent feature. Weiss therefore does not provide the claimed shock absorbers and does not make up for this admitted deficiency of Park. Hopkins provides shock absorbers having axes that are angled with respect to the vertical as they are attached to a surface of an angled bracket that is angled with respect to the vertical. Moreover, Hopkins' shock absorbers are not directly mounted to a top surface of a substantially planar platform having wheels attached to the opposite, bottom surface thereof.

As acknowledged by Examiner Tran in the aforementioned Examiner interview, the combination of the Park, Weiss and Hopkins references do not provide the claimed combination of features of a planar platform having wheels directly attached and disposed underneath a bottom surface thereof and shock absorbers with vertically oriented axes mounted over and directly joined to the opposed top surface of the platform and serving as an interface between the platform and an upper portion.

Furthermore, none of the other references teach the claimed shock absorber feature. Claim 1 is distinguished from the references of record, taken alone or in combination, for at least these reasons.

Moreover, Applicant respectfully submits that one would not modify Park based on Weiss and Hopkins. Applicant further submits that the Examiner mischaracterizes feature 110 of the Park reference in stating that "Park discloses a platform 110 being

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substantially planar and having a first and second surface opposite said first surface",
subject Office action, page 3. Fig. 4 of Park clearly shows that conductive body 110 is a
box-like member, i.e. a three dimensional feature and not a substantially planar
member, as claimed in claim 1. Inside conductive body 110 are a plurality of
5 components that, among other things, provide motion to support 120, enabling support
120 to move up and down. The body 110 has an opening 115 on a top portion thereof
which is configured to receive hexagonally-shaped support 120.

Applicant respectfully submits that, one in possession of the Park reference that
teaches this large three dimensional body 110 with internal mechanisms would not find
10 any teaching in the Weiss or Hopkins reference that would suggest completely
redesigning Park to include a planar platform with wheels attached to one side and
shock absorbers to the other. This suggestion would require a complete re-engineering
of the device and render the device unuseable in its intended function. Thus, a *prima*
facie case of obviousness is not established. If the body 110 were re-engineered to be
15 a flat, planar platform in order to satisfy the claimed configuration of the shock
absorbers with respect to the wheels and the top portion, the body 110 could no longer
accommodate the internal motor mechanisms and could not provide motion to support
120. One would not modify Park as suggested and a *prima facie* case of obviousness
is not established.

20 Even if one did attempt to combine the references, the claimed invention would
not result, as discussed supra.

In view of the above comments, and consistent with the discussion in the
aforementioned Examiner interview, independent claim 1 is therefore distinguished from
Park in view of Weiss, Hopkins, Seibert (Germany), Veralrud, Armentrout and Engelking
25 and therefore the rejection of claim 1 under 35 U.S.C. § 103(a) in view of these
references, should be withdrawn. Claims 2-3 and 9-11 depend from claim 1 and are
therefore similarly distinguished. The rejection of claims 1, 3 and 9-10 under 35 U.S.C.

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§ 103(a) as being unpatentable over Park in view of Weiss, Hopkins, Seibert (Germany), Veralrud, Armentrout and Engelking, should be withdrawn.

In paragraph 7 of the subject Office action, claims 2 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Park as modified and further in view of USP 4,999,671 to Iizuka. These claim rejections are overcome for reasons set forth below.

As above, independent claim 1 is distinguished from Park as modified. Claims 2 and 11, which depend from claim 1, are similarly distinguished from Park as modified. The Iizuka reference has apparently been relied upon for providing reticle boxes with reticles therein, but Iizuka does not make up for the above-stated deficiencies of Park in view of the secondary references. Because Iizuka does not make up for the above-stated deficiencies of Park in view of the secondary references, independent claim 1 and therefore also dependent claims 2 and 11 are distinguished from Park, as modified and as applied to claim 1, and further in view of Iizuka.

The rejection of claims 2 and 11 as being unpatentable over Park as applied to claim 1 and further in view of Iizuka, should be withdrawn.

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CONCLUSION

Based on the foregoing, each of pending claims 1-3 and 9-11 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

- 5 The Assistant Commissioner for Patents is hereby authorized to charge any fees necessary to give effect to this filing and to credit any excess payment that may be associated with this communication, to Deposit Account 04-1679.

10 Dated: March 25, 2009



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